

EXHIBIT-1

Dkt. 30436.11-US01/SBA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Peter S. Linsley, Jeffrey A. Ledbetter
Nitin K. Damle, and William Brady

Serial No.: 08/219,200 Examiner: D. Adams

Filed : March 29, 1994 Group Art Unit: 1806

For : LIGAND FOR CD28 RECEPTOR ON B CELLS AND METHODS

Assistant Commissioner for Patents
Washington, D.C. 20231

SIR:

RECEIVED
OCT 31 1995
GROUP 1800

DECLARATION BY PETER S. LINSLEY,
JEFFREY A. LEDBETTER, NITIN K. DAMLE,
AND WILLIAM BRADY UNDER 37 C.F.R. §1.132

We, Peter S. Linsley, Jeffrey A. Ledbetter, Nitin K. Damle, and William Brady, hereby declare that:

1. We, Jeffrey A. Ledbetter and Peter S. Linsley, are employed by Bristol-Myers Squibb Company, in Seattle, Washington, the assignee of record of the subject application. We, Nitin K. Damle and William Brady, were employed by Bristol-Myers Squibb Company at the time of the invention.
2. I, Jeffrey A. Ledbetter, began my period of employment with Bristol-Myers Squibb Company in 1981 and presently hold the title: Director, Autoimmunity Transplantation Department.
3. I, Peter S. Linsley, began my period of employment with Bristol-Myers Squibb Company in 1983 and presently hold the title: Senior Research Fellow.
4. I, William Brady, began my period of employment with

Applicants: Peter S. Linsley, Jeffrey A. Ledbetter
Nitin K. Damle, and William Brady
Serial No.: 08/219,200
Filed : March 29, 1994
Page 2

Bristol-Myers Squibb Company in 1986 and held the title:
Research Scientist I.

5. I, Nitin K. Damle, began my period of employment with Bristol-Myers Squibb Company on 1990 and held the title: Principal Scientist.
6. We declare that we are the inventors of the claimed invention, i.e., (1) a method of inhibiting CD28 positive T cell proliferation comprising reacting B7 positive cells with a monoclonal antibody designated BB-1 or a F(ab)₂ fragment thereof or the CD28Ig fusion protein so as to bind the monoclonal antibody or the F(ab')₂ fragment thereof or the CD28Ig fusion protein with B7 positive cells and thereby blocking B7-T cell interaction and inhibiting CD28 positive T cell proliferation and (2) a method for preventing the binding of the CD28 receptor to the B7 antigen comprising contacting CD28 positive T cells with a fragment or derivative of the extracellular domain of the B7 antigen so as to bind the CD28 receptor on the CD28 positive T cells with the fragment or derivative of the extracellular domain of the B7 antigen thereby preventing binding of the receptor to the B7 antigen.
7. We have read Linsley et al., "T-Cell Antigen CD28 Mediates Adhesion with B Cells by Interacting with Activation Antigen B7/BB-1", Proc. Natl. Acad. Sci. 87:5031-5035 (1990) (referred to herein as the Linsley et al. reference) cited by the Examiner. We understand that the Linsley et al. reference was published less than a

Applicants: Peter S. Linsley, Jeffrey A. Ledbetter
Nitin K. Damle, and William Brady
Serial No.: 08/219,200
Filed : March 29, 1994
Page 3

year before the subject application's effective filing date.

8. Peter S. Linsley, Jeffrey A. Ledbetter, and Edward Clark are co-authors of the Linsley et al. reference. But of the three, only two, namely, Peter S. Linsley and Jeffrey A. Ledbetter, are co-inventors of the claimed invention.
9. Only Drs. Linsley, Ledbetter, Damle and Brady participated in the conception, research, and reduction to practice of claimed methods.
10. The contribution of Dr. Clark to the Linsley et al. reference cited by the Patent Office is unrelated to the claimed methods. Specifically, Dr. Clark obtained a B7 cDNA clone for CD28-mediated adhesion assays.
11. Drs. Damle and Brady were not co-authors in the Linsley reference but are correctly co-inventors in the claimed invention because the contribution of Drs. Damle and Brady include experiments establishing uses for B7Ig and CD28Ig. These uses were not discussed in the Linsley reference.

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or

Applicants: Peter S. Linsley, Jeffrey A. Ledbetter
Nitin K. Damle, and William Brady
Serial No.: 08/219,200
Filed : March 29, 1994
Page 4


any patent issuing thereon.

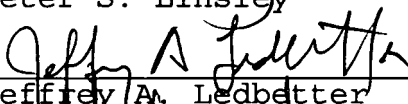
090895
DATE

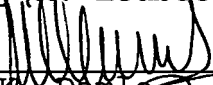
8/29/95
DATE

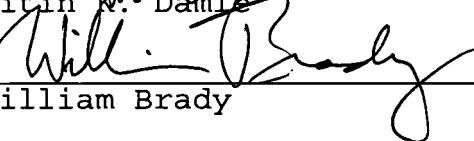
9/29/95
DATE

090895
DATE


Peter S. Linsley


Jeffrey A. Ledbetter


Nitin K. Damle


William Brady